

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**April 15, 2010**



**Rezoning RZ 10-04: Curtis Capps**

**CASE DESCRIPTION:** a request to change the zoning classification from Industrial District (I) to Mixed Use Residential District (MU-1)

**LOCATION:** 0.141 acres of land along the south side of the 200 block of West Pease Street between Finfeather Road and Groesbeck Street

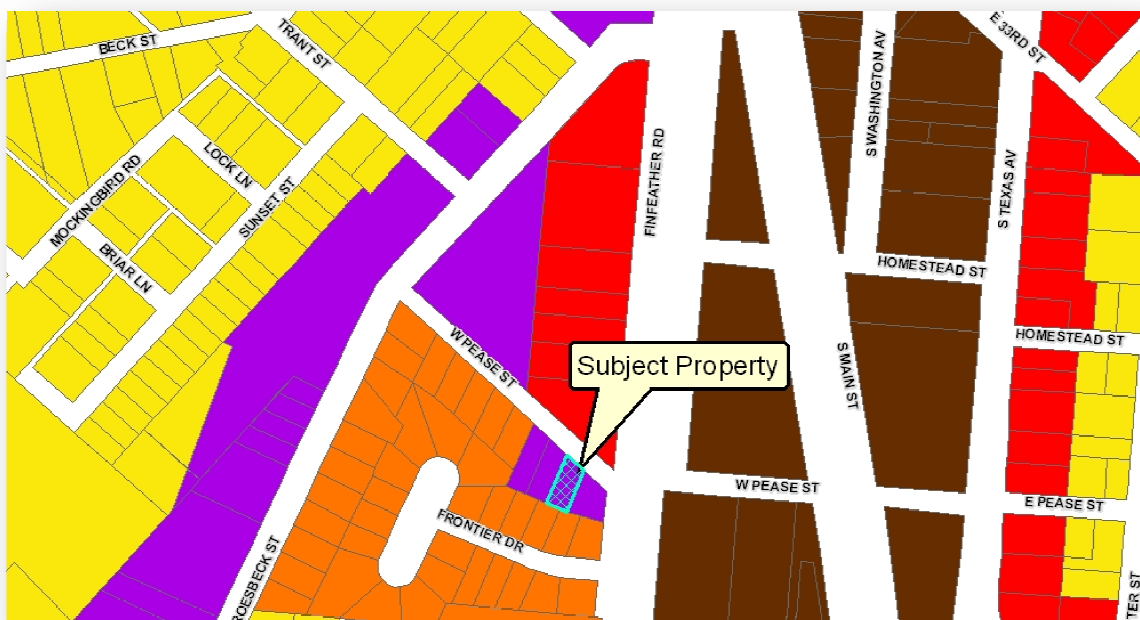
**LEGAL DESCRIPTION:** Lot 3, Block 1, Frontier Development - Third Installment

**EXISTING LAND USE:** vacant lot

**APPLICANT(S):** Curtis Capps

**STAFF CONTACT:** Randy Haynes, Project Planner

**SUMMARY RECOMMENDATION:** Staff recommends that the Planning and Zoning Commission **postpone** making a recommendation to the City Council regarding this rezoning request until its next regular meeting on May 20, 2010.



## **BACKGROUND:**

The applicant recently acquired the subject tract and is requesting that the zoning be changed from Industrial (I) District to Mixed Use Residential District (MU-1) to accommodate the proposed installation of a manufactured home. The existing Industrial zoning of the property does not permit residential use. The requested MU-1 zoning designation is the only zoning classification that permits the installation of manufactured housing on individual lots by right.

The one block section of West Pease Street where the subject tract is located is mostly developed; the subject lot and one other lot being the only vacant properties. All of the eight houses on the south side of this block are manufactured homes of varying ages and conditions, as shown on the aerial photograph below. Four of the lots on this block face are zoned for industrial use, the remaining six lots are zoned Multiple-Family District (MF). All of the existing homes on this section of West Pease Street appear to be pre-date the adoption of zoning in Bryan.



## **RELATION TO BRYAN'S COMPREHENSIVE PLAN:**

Within the comprehensive plan, objectives and action statements were developed to address land use concerns facing Bryan in the next twenty years. The following are examples that staff considers particularly germane to this case.

### **GOAL #1: ACHIEVE A BALANCE OF LAND USES WITHIN THE CITY**

Objective A: Achieve a sustainable mix of land use types in suitable locations, densities and patterns.

*Action Statement 1:* Reevaluate the zoning map annually.

GOAL #2: FACILITATE ORDERLY, EFFICIENT AND ATTRACTIVE DEVELOPMENT, REDEVELOPMENT AND INFILL.

Objective A: Provide for an efficient development process.

*Action Statement 1:* Reevaluate the current zoning code to identify inconsistencies and impediments to development.

GOAL #4: PROMOTE QUALITY AFFORDABLE HOUSING DEVELOPMENT.

Objective: Encourage the development of affordable housing tailored to the particular needs of the community.

*Action Statement 3:* Identify areas for likely future high-density residential development and apply appropriate zoning

## ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to general area and the City as a whole.

**Staff asserts that the uses permitted in MU-1 are appropriate in this area. The proposed zoning change will apply a zoning district to land that is already developed with manufactured housing thus reflecting the development pattern that actually exists. Staff contends that the requested change will support the existence of diverse forms of affordable housing.**

**While staff believes that MU-1 zoning of this one lot may be appropriate, staff contends that rezoning only the subject site to MU-1 would not be appropriate. Staff believes that other properties surrounding the subject property are fundamentally similar to the site of the applicant's request. Some of these properties have been developed with manufactured housing for many years. Staff believes that in order to create an orderly zoning pattern in this area and to avoid the appearance of what could be considered unlawful "spot zoning"<sup>1</sup>, favorable consideration should not be given to this request, without the same consideration given to these other similarly situated properties.**

**In other words, staff believes that a more comprehensive rezoning of properties should be considered along this segment of West Pease Street. More specifically, staff recommends expanding the applicant's request for MU-1 zoning to also include all ten lots along the south side of the 200 block of West Pease Street.**

2. Whether there is availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for the proposed use.

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<sup>1</sup> Spot zoning: The awarding of a use classification to an isolated parcel of land which is detrimental or incompatible with the uses of the surrounding area [...]. From: Solnit, Albert. The Job of the Planning Commissioner. 3<sup>rd</sup> rev. ed. Chicago, IL: American Planning Association, 1987.

**None of the items listed above would be affected, if the zoning of the subject property were changed to MU-1 District.**

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

**There is moderate amount of vacant land available for manufactured homes in the area. Within one mile west of the subject property lies a significant amount of land zoned MU-1 District; a number of vacant lots exist within that area. Staff can identify no reasons that the requested rezoning would cause other vacant land to become unavailable for development.**

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

**Based on staff's experience with inquiries for locations where manufactured homes may be installed, it appears that the demand for properties suitably zoned for the installation of manufactured housing on individual lots exceeds the amount of available land in this vicinity as well as other areas of Bryan.**

5. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

**Other areas designated for similar development are unlikely to be affected.**

6. Any other factors which will substantially affect the health, safety, morals, or general welfare.

**There are no other factors affecting health, safety, morals, or general welfare.**

#### **RECOMMENDATION:**

Staff recommends that the Planning and Zoning Commission **postpone** making a recommendation to the City Council regarding this rezoning request **until its next regular meeting on May 20, 2010 and direct staff to initiate a City-initiated rezoning for all lots adjoining the south side of W. Pease Street between Finfeather Road and Groesbeck Street from Industrial (I) District and/or Multiple-Family (MF) District, to Mixed Use Residential (MU-1) District for consideration by the Commission at that same meeting.**

Staff believes that a more comprehensive approach to rezoning properties here could help create a more orderly zoning pattern in this area and help avoid the appearance of spot zoning.